

JOURNAL OF THE HOUSE.

Tuesday, June 6, 2006.

Met according to adjournment, at one o'clock P.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, we begin each day of the week with the good intention of serving You, our family and constituents in a conscientious and faithful manner. Your assistance enables us, even in the face of difficulties and stressful situations, to be successful in our endeavors. Your guidance helps us to comprehend and to evaluate correctly the often complex legislative and public policy issues of the day. We also look to You for guidance and direction in our search for solutions to the many and varied needs of people in our varied districts. Teach us, as elected leaders, to set realistic priorities and attainable goals in order to meet the reasonable expectations of the people.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Statement Concerning Representative Welch of West Springfield.

A statement of Mrs. Harkins of Needham concerning Mr. Welch of West Springfield was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Welch of West Springfield, will not be present in the House Chamber for today's sitting due to his attending to his wife, Kara, who, this morning, gave birth to their first child, Thomas James Welch. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement
concerning
Representative
Welch of
West
Springfield.

Guest of the House.

During the session, the Speaker took the Chair and introduced Dr. Rui Machete, President of the Luso American Development Foundation located in Lisbon, Portugal. The foundation has given grants in the million of dollars to various programs in Massachusetts and to the University of Massachusetts. Dr. Machete, who then addressed the House briefly, was the guest of the Speaker and Representative Correia of Fall River.

Dr. Rui
Machete.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Special
Olympics.

Resolutions (filed by Mr. Fagan of Taunton and other members of the House) congratulating Special Olympics Massachusetts on the occasion of its thirty-fifth anniversary;

Mary E.
Landry.

Resolutions (filed by Mrs. Paulsen of Belmont) honoring Captain Mary E. Landry, USCG;

Susan
Brown.

Resolutions (filed by Mr. Smola of Palmer) honoring Susan Brown;

Susan W.
Bussell.

Resolutions (filed by Mr. Smola of Palmer) honoring Susan W. Bussell;

Patricia E.
Carbone.

Resolutions (filed by Mr. Smola of Palmer) honoring Patricia E. Carbone;

Michael
Glabicky.

Resolutions (filed by Mr. Smola of Palmer) honoring Michael Glabicky;

Michael
Marciniec.

Resolutions (filed by Mr. Smola of Palmer) honoring Michael Marciniec;

Charlotte A.
Swienton.

Resolutions (filed by Mr. Smola of Palmer) honoring Charlotte A. Swienton;

Judith M.
Thurston.

Resolutions (filed by Mr. Smola of Palmer) honoring Judith M. Thurston; and

Tyler
Michael
Hamel.

Resolutions (filed by Mrs. Walrath of Stow) congratulating Tyler Michael Hamel on receiving the Eagle Award of the Boy Scouts of America;

Mrs. Parente of Milford, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Festa of Melrose, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Janice
Brown,
sick leave.

Ms. Malia of Boston presented a petition (subject to Joint Rule 12) of Elizabeth A. Malia for legislation to establish a sick leave bank for Janice Brown, an employee of the Appellate Tax Board; and the same was referred, under Rule 24, to the committee on Rules.

Paper from the Senate.

Massage
therapists.

The engrossed Bill relative to the licensure of massage therapists (see Senate, No. 2258, amended), which had been returned to the Senate by His Excellency the Governor (under Article LVI of the Amendments to the Constitution) with recommendation of amendment [for message, see Senate, No. 2556], came from said branch with the endorsement that it had refused to amend the bill.

Under suspension of the rules, on motion of Mrs. Haddad of Somerset, the bill was thereupon placed before the House.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

The House then also refused to amend the bill.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2896) of Ronald Mariano for legislation to establish a direct care worker reserve fund; and

Direct
care.

Of the petition (accompanied by bill, House, No. 2943) of Peter J. Koutoujian relative to dementia special care units in long term care facilities;

Long term
care
facilities.

And recommending that the same severally be recommitted to the committee on Elder Affairs.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain Senate and House documents concerning active and retired public employees (House, No. 4723) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 453) of Mark J. Carron relative to eligibility lists in the civil service system,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Eligibility
lists.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain Senate and House documents concerning active and retired public employees (House, No. 4773) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 285) of Cory Atkins that the Teachers' Retirement Board be authorized to grant creditable service to Rosalyn Chefitz,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Rosalyn
Chefitz.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4800) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4415) of Edward G. Connolly relative to the retirement allowance payable to Ralph Cecere, a former teacher in the city of Everett,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Ralph
Cecere.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Safety and Homeland Security to make an investigation and study of certain House documents concerning fire safety (House, No. 4933) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1089) of Robert J. Nyman and others relative to establishing a special commission to study student safety in the Commonwealth,— and recommending that the same be recommitted to the committee on Public Safety and Home-

Student
safety.

land Security. Under Rule 42, the report was considered forthwith; and it was accepted.

Medicare
supplement
insurance.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to Medicare supplement insurance plans (House, No. 2754) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mrs. Walrath of Stow, the bill was read a second time forthwith; and it was ordered to a third reading.

Weymouth,
Robert B.
Ambler
Walkway.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill designating a portion of the Captain William K. Webb Memorial State Park as the Robert B. Ambler Walkway (House, No. 4921) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Murphy of Weymouth, the bill was read a second time forthwith; and it was ordered to a third reading.

Wareham,
liquor
licenses.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Wareham to grant 5 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5003) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith; and it was ordered to a third reading.

Forest
Fire
Control.

Report of the committee on Public Safety and Homeland Security, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 4630) of Kathleen M. Teahan and others relative to the Bureau of Forest Fire Control within the Department of Environmental Management.

Under suspension of the rules, on motion of Ms. Coakley-Rivera of Springfield, the report was considered forthwith.

Pending the question on acceptance of the report, the same member moved that it be amended by substitution of a Bill relative to the Bureau of Forest Fire Control (House, No. 5022), which was read.

The amendment was adopted; and the substituted bill was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Municipalities,
study.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on Senate, Nos. 1161, 1169, 1171, 1173 and 1181 and House, Nos. 3603 and 3574, an Order relative to authorizing the committee on Municipalities and Regional Government to make an investigation and study of certain Senate and House documents concerning municipal issues (House, No. 5017). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported asking to be discharged from further consideration of said order; and

recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill to require equitable payment from the Commonwealth (House, No. 1610) ought to pass with certain amendments by striking out, in line 5, the word "network", and in line 8, by striking out the words "good faith" [Cost: \$6,033,450.00].

Equitable
payment.

By the same member, for the same committee, that the Bill to reduce asthma by using safer alternatives to cleaning products (House, No. 4704) ought to pass with an amendment substituting therefor a Bill to reduce asthma by requiring use of safer alternatives to cleaning products (House, No. 5018) [Estimated Cost: \$1,800,000.00 to \$4,000,000.00].

Cleaning
products.

Severally referred, under Rule 33, to the committee on Ways and Means with the amendments pending.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the following bills ought to pass:

Relative to liability insurance payments (House, No. 1499) [Cost: \$1,200,000.00]; and

Liability
insurance.

Relative to patient navigators (House, No. 4705); and

Patient
navigators

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill to create a Charles River water quality commission (House, No. 4683) ought to pass.

Charles
River.

Severally referred, under Rule 33, to the committee on Ways and Means.

By Mr. Pedone of Worcester, for the committee on Consumer Protection and Professional Licensure, on a recommitted petition, a Bill relative to training for alcoholic beverage licensing board members (House, No. 4648).

Liquor
licenses.

By the same member, for the same committee, on Senate, No. 189, a Bill relative to interior designers (House, No. 5019).

Interior
designers.

By Mr. Petrucci of Boston, for the committee on Election Laws, on a petition, a Bill relating to the preparation of ballots in the city of Boston (House, No. 4942) [Local Approval Received.]

Boston,
ballots.

By Mr. Mariano of Quincy, for the committee on Financial Services, on House, Nos. 1542 and 4128, a Bill reforming private passenger automobile insurance in the Commonwealth (House, No. 5021) [Representative Galvin of Canton dissenting].

Automobile
insurance,
reform.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Engrossed Bills.

Engrossed bills

Establishing a sick bank for Michael Abdow, an employee of the Trial Court (see House, No. 4834); and

Bills
enacted.

Establishing a sick leave bank for Debra A. Flagg, an employee of the Department of Mental Retardation (see House, No. 4915); (Which severally originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill relative to creditable service for certain state contract employees (Senate, No. 2462, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment previously adopted by the House.

House bills

Allowing unsigned circulars (House, No. 126) (its title having been changed by the committee on Bills in the Third Reading); and Relative to sewer betterment assessments in the town of Richmond (House, No. 4753);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Senate bills

Further regulating the operations and governance of credit unions (Senate, No. 2288);

Increasing the expenditure limit on revolving funds in the city of Attleboro (Senate, No. 2495);

Amending the charter of the city of Somerville to allow the appointment of a non-civil service chief of police (Senate, No. 2519); and

Authorizing the appointment of special police officers in the city of Somerville (Senate, No. 2520); and

House bills

Relative to the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 4385); and

Authorizing the conveyance of a certain parcel of land in the town of Winthrop (House, No. 4905);

Severally were read a second time; and they were ordered to a third reading.

The Senate Bill relative to the historic Lucius Crain Tavern in the town of Hadley (Senate, No. 2127) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Scibak of South Hadley, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

The Senate Bill authorizing campaign contributions by debit card (Senate, No. 2340) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Petrucci of Boston, the bill (having been reported by the com-

Third
reading
bill.

Third
reading
bills.

Second
reading
bills.

Second reading
bill engrossed.

21

mittee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

Recess.

At twenty-five minutes after one o'clock P.M., on motion of Mr. Pedone of Worcester (Mr. Petrolati of Ludlow being in the Chair), the House recessed until the hour of two o'clock P.M.; and at that time the House was called to order with Mr. Petrolati in the Chair.

Engrossed Bill.

The engrossed Bill granting school nurses eligibility for professional teacher status (see House, No. 1087) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 441 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Mrs. Harkins of Needham being in the Chair,— The House Bill relative to child labor (House, No. 4638) was read a second time.

After remarks on the question on ordering the bill to a third reading, Mr. Jones of North Reading and other members of the House moved that it be amended by adding at the end thereof the following section:

“SECTION 20. Section 87 of said chapter 149, as so appearing, is amended by adding in line 14, after the word ‘authorized,’ the following:— Minors between the ages of 17 and 18 who can show documented proof of a high school diploma or the equivalent thereof to the person issuing employment permits may be employed without an employment permit. The employer shall keep on file and available to anyone required under section 94 a copy of the minor’s diploma or equivalent thereof until he has reached 18 years of age.”

After remarks the amendment was adopted.

After remarks on the question on ordering the bill, as amended, to a third reading, Mr. Rodrigues of Westport moved that it be amended in section 2, in line 25, by inserting after the word “employee” the following: “; provided further that this section shall not apply to the employment of a minor under the age of 18 at a kiosk, cart, or stand located within the common areas of an enclosed shopping mall that employs security personnel, a private security company or a public police detail every night from the hour of 8:00 P.M. until the mall is closed to the public”.

The amendment was adopted.

Recess.

School
nurses,
rights.

Bill
enacted,
yea and nay
No. 441.

Child
labor.

Bill ordered
to a third
reading,
yea and nay
No. 442.

On the question on ordering the bill, as amended, to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Rodrigues; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 442 in Supplement.]

Therefore the bill (House, No. 4638, amended) was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Rodrigues of Westport, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. The bill (House, No. 4638, amended) then was sent to the Senate for concurrence.

Voting
rights,
strengthen.

The Senate Bill strengthening voting rights and voter confidence in the Commonwealth (Senate, No. 2277) was read a second time.

The amendments previously recommended by the committee on Ways and Means,— that the bill be amended in section 3, in line 14, and also in section 5, in line 14, by inserting after the word “schooled;”, in each instance, the word “and”,— were adopted.

After debate on the question on ordering the bill to a third reading, Mr. Jones of North Reading and other members of the House moved that it be amended by inserting after section 5 the following section:

“SECTION 5A. Section 13 of said chapter 54, as so appearing, is hereby amended by striking in lines 1 to 4, inclusive, the first sentence and inserting in place thereof the following:— Such election officers shall be enrolled voters so appointed as equally to represent the two leading political parties, except that, without disturbing the equal representation of such parties, not more than one third of the election officials not representing either of them may be appointed.”.

The amendment was adopted.

Messrs. Petrucci of Boston and O’Brien of Kingston then moved that the bill be amended in section 1, in line 5, by inserting after the word “commonwealth” the words “and if any such city so chooses, subject to the approval of the city council and the board of registrars”; and by adding at the end thereof the following two sections:

“SECTION 8. Section 11B of chapter 54, as appearing in the 2004 Official Edition, is hereby amended by inserting in line 21, after the word ‘provided’ the words:— and if any such city so chooses, subject to the approval of the city council and board of registrars.

SECTION 9. Section 12 of said chapter 54, as so appearing is hereby amended by inserting in lines 2 and 3, after the word ‘officers’ the words:— and if any town so chooses, subject to the approval of the board of aldermen or board of selectmen and board of registrars.”.

The amendments were adopted.

On the question on ordering the bill, as amended, to a third reading, the sense of the House was taken by yeas and nays, at the request of Mr. Petrucci; and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 443 in Supplement.]

Therefore the bill (Senate, No. 2277, amended) was ordered to a third reading.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o’clock A.M. Next sitting.

Ms. Wolf of Cambridge then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at sixteen minutes after four o’clock P.M. (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet on Thursday next at eleven o’clock A.M., in an Informal Session.

Bill ordered
to a third
reading,
yea and nay
No. 443.